IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.104 OF 2006

Smt. Lalita Santosh Gawali
Age 22 years Occu: Housewife,
Presently residing at C/o. Shri.
Shanrao Bhagwan Kamble, Behrambag,
Kranti Nagar, Salim Chawl,
Jogeshwari, Mumbai-400 060. ..Applicant.

V/s.

Shri Santosh Maruti Gawali
Aged 26 years, Occu: Farmer,
Presently residing at C/o. Shri
Maruti Sopan Gawali, At Gopalpur,
Tal. Pandharpur, Dist. Sholapur. ..Respondent.

Ms.Sheetal Pawar for applicant.

CORAM : ABHAY S.OKA, J.

DATED : 11th APRIL, 2007.

ORAL JUDGMENT

Heard advocate for applicant. Office noting shows that the respondent is served with the Rule. None appears for the respondent. Applicant is the wife and the respondent is the husband. The respondent has filed a petition for divorce against the applicant in the Court of Civil Judge, S.D. at Pandharpur, District Solapur. There is a petition filed by the applicant in the Family Court at Mumbai against the respondent praying for decree of divorce and other reliefs.

2. Applicant is a permanent resident of Mumbai and respondent is a permanent resident of Gopalpur,

Taluka Pandharpur, District Solapur. Prayer in this application is for transfer of the petition filed by the respondent to the Family Court at Mumbai. Prayer for transfer is firstly on the ground of convenience of the applicant and secondly, because both the petitions are required to be heard by one and the same Court.

3. There is no reply filed by the respondent. In view of the averments made in the application, a case is made out for passing the order of transfer.

4. Hence application is disposed of by passing following order.

i. Hindu Marriage Petition No.37 of 2006 pending in the Court of Civil Judge, S.D. Pandharpur is hereby transferred to the Family Court at Mumbai.

ii. The Family Court at Mumbai will hear the aforesaid petition with M.J. Petition No.1231 of 2006.

iii. After the transfer of the Petition No.37 of 2006, the Family Court will issue notice to both the parties of the date fixed in the petitions.

iv. No order as to costs.

(ABHAY S. OKA, J.)